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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/420,507	10/19/1999	JUNYA KAKU	991207	2900

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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT PAPER NUMBER

2612

DATE MAILED: 07/16/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/420,507

Applicant(s)

KAKU, JUNYA

Examiner

LUONG T NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/22/2004 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 7-12 filed on 6/22/2004 have been fully considered but they are not persuasive.

In re page 9, Applicant argues that, in Hidetoshi et al., it is not possible to continue displaying the real-time image as long as possible as in the present invention.

In response, regarding claim 7, Applicant claimed with the limitation "a displayer for displaying a real-time motion image corresponding to the object images which are imaged by said imaging device during a time period that no recording process is performed by said recorder." The Examiner considers that claim 7 as claimed still does not distinguish from Sakai patent in view of Hidetoshi et al. patent. Hidetoshi et al. discloses viewfinder 205 for displaying animation image, and only recording animation image when release button 217 is activated (Drawing 7, section [0074], page 5 of 6 of the English translation).

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In re pages 9-10, Applicant argues that Sakai, and Hidetoshi et al. fail to disclose or remotely suggest anything about detecting the remaining amount of the battery when the recording instruction is issued, and comparing the detected remaining amount to the threshold value corresponding to the current recording mode.

In response, regarding claim 7, it should be noted that the feature “*detecting the remaining amount of the battery when the recording instruction is issued*” is not recited in claim 7. In stead, the Applicant amended claim with the limitation “a determiner for determining, at a timing that a recording instruction is issued, whether or not a remaining amount of said battery is equal or more than a threshold value corresponding to the mode selected by said selector out of a first threshold value corresponding to the first mode and a second threshold value corresponding to the second mode.” The Examiner considers that claim 7 as amended still do not distinguish from Sakai patent in view of Hidetoshi et al. patent. Hidetoshi et al. discloses detecting circuit 2 (determiner) for detecting the residue of battery 1 at the time of animation record or at the time of still picture record, and comparing the residue of battery to a 1<sup>st</sup> power reference voltage (animation record) or a 2<sup>nd</sup> power reference voltage (still picture record), see section [0034], and section [0041] page 3 of 6.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai (US 5,206,730) in view of Hidetoshi et al. (JP 06-022262).

Regarding claim 7, Sakai discloses an electronic camera to be driven by a battery (battery, column 4, lines 12-29), comprising an imaging device (CCD sensor 2, figure 1, column 3, lines 10-20); a selector for selecting anyone of a first mode for recording one scene of image signal and a second mode for recording a plurality of scenes of image signals (control panel 11 operates and changes over various modes such as photographing modes of one shot photographing mode and serial shot photographing mode, figure 1, column 3, lines 34-38); a recorder for recording to a recording medium the image signal(s) having the number of scenes corresponding to the mode selected by said selector (memory 7, figure 1, column 3, lines 22-30).

Sakai fails to specifically disclose a displayer for displaying a real-time motion image corresponding to the object images which are imaged by said imaging device during a time period that no recording process is performed by said recorder; a determiner for determining, at a timing that a recording instruction is issued, whether or not a remaining amount of said battery is equal to or more than a threshold value corresponding to the mode selected by said selector out of a first threshold value corresponding to the first mode and a second threshold value corresponding to the second mode; and a controller for enabling said recorder when a determination result of said determiner is affirmative and disabling said recorder when the determination result of said determiner is negative.

However, Hidetoshi et al. discloses displayer for displaying real-time motion image (viewfinder 205 for picture monitors, Drawing 13, section [0015], page 2 of 6); a determiner (detecting circuit 2 for determining the residue of battery 1 at the time of animation record or at

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the time of still picture record, and comparing the residue of battery to a 1<sup>st</sup> power reference voltage (animation record) or a 2<sup>nd</sup> power reference voltage (still picture record), see section [0034], and section [0041] page 3 of 6, See Constitution, see section [0048] of the English translation, page 4 of 6 and translation of claims 1-2, page 1 of 1); a controller for enabling said recorder when a determination result of said determiner is affirmative and disabling said recorder when the determination result of said determiner is negative (Hidetoshi et al. discloses that in the moving picture recording mode, if the battery voltage is less than a 1<sup>st</sup> power reference voltage, the power supply from battery 1 to recorder 7 is interrupted. This also shows that when the battery voltage is larger than a 1<sup>st</sup> power reference voltage, the recording is enabled (determination result of said determiner is affirmative), and when the battery voltage is not larger than a 1<sup>st</sup> power reference voltage, the recording is disabled (determination result of said determiner is negative), see Constitution.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Sakai by the teaching of Hidetoshi et al. in order to effectively use a battery in different recording mode. This saves the capacity of battery.

Regarding claim 8, Hidetoshi et al. discloses wherein the first threshold value corresponds to a consumption power required for recording the one scene of image signal (2<sup>nd</sup> power reference voltage of a still picture recording mode, see Constitution), and a second threshold value corresponds to a consumption power required for recording the plurality of scenes of image signals (1<sup>st</sup> power reference voltage of an animation recording mode, see Constitution).

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5. Claims 9 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai (US 5,206,730) in view of Hidetoshi et al. (JP 06-022262) further in view of Kaneko et al. (US 5,262,868).

Regarding claim 9, Sakai and Hidetoshi et al. fail to specifically disclose said recorder includes a writer for writing to an internal memory the image signal corresponding to the object image, and a transferor for transferring the image signal stored in said internal memory to said recording medium. However, Sakai discloses memory 7 as a recording medium (figure 1, column 3, lines 22-30). And Hidetoshi et al. discloses an electronic still camera in which the image data representing an image of the subject is stored in frame memory 12 (internal memory) via memory controller 10 (figure 1, column 6, lines 24-35), and the image data stored in frame memory 12 is transferred to memory card 50 (recording medium) via card interface 15 (a transferor, figure 1, column 6, lines 42-68). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Sakai and Hidetoshi et al. by the teaching of Kaneko et al. in order to let the camera have the capability of a reproduction mode. Doing so, the image data stored in an external memory (such as a memory card) can be loaded to an internal memory of the camera and then to be processed to output a video signal.

Regarding claim 12, Sakai and Hidetoshi et al. fail to specifically disclose an ouputter for outputting a message indicative of not-recordable when the determination result of said determiner is negative. However, Kaneko et al. disclose display 41 for displaying a warning when the battery voltage is smaller than the threshold voltage (figure 1, column 8, lines 50-58).

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It would have been obvious to display a character indicative of not-recordable onto display 41 in order to let the user knows that recording is prevented.

6. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai (US 5,206,730) in view of Hidetoshi et al. (JP 06-022262) and Kaneko et al. (US 5,262,868) further in view of Ejima (US 6,188,432).

Regarding claim 10, Sakai, Hidetoshi et al. and Kaneko et al. fail to specifically disclose wherein the second mode includes a first resolution mode for recording M (M:integer more than one) scenes of the image signals each of which has a first resolution, and a second resolution mode for recording N (N: integer more than one and less than M) scenes of the image signals each of which has a second resolution higher than the first resolution. However, Ejima discloses a continuous shooting mode, which includes low speed continuous shooting mode, in this mode, the camera shoots eight frames per second, and high speed continuous mode, the camera shoots 30 frames per second. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Sakai, Hidetoshi et al. and Kaneko et al. by the teaching of Eijma in order to include a plurality of continuous shooting mode in the camera. This let the user can select a desired continuous shooting mode.

Regarding claim 11, Hidetoshi et al. discloses the second threshold has a common numerical value to the first resolution mode and the second resolution mode (value a, Drawing 3).

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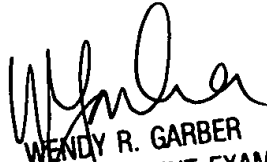
*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T NGUYEN whose telephone number is (703) 308-9297. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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